

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA**

CHARLES SWEENEY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	2:12-cv-366-JMS-DKL
	)	
STATE OF INDIANA, OFFICE OF	)	
THE ATTORNEY GENERAL,	)	
	)	
Defendant.	)	

**Entry and Order Dismissing Action**

**I.**

This action is cloaked as an independent action pursuant to Rule 60(b), but in reality is the functional equivalent of a second or successive petition for a writ of habeas corpus. The request to proceed *in forma pauperis* [3] is **granted**.

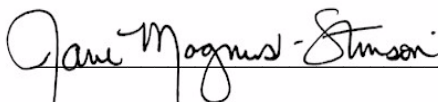
Habeas corpus relief was previously sought and was denied. *See Sweeney v. Carter*, 361 F.3d 327 (7th Cir. 2004). This fact, together with the nature of the action as noted above, requires that the action be dismissed for lack of jurisdiction because when there has already been a decision on the merits in a federal habeas action, to obtain another round of federal collateral review a petitioner requires permission from the Court of Appeals under 28 U.S.C. § 2244(b). *See Potts v. United States*, 210 F.3d 770 (7th Cir. 2000). This statute, § 2244(b)(3), "creates a 'gatekeeping' mechanism for the consideration of second or successive [habeas] applications in the district court." *Felker v. Turpin*, 518 U.S. 651, 657 (1996); see *Benefiel v. Davis*, 403 F.3d 825, 827 (7th Cir. 2005); *United States v. Lloyd*, 398 F.3d 978 (7th Cir. 2005).

**II.**

Judgment consistent with this Entry shall now issue.

**IT IS SO ORDERED.**

Date: 12/28/2012

  
Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

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